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25/11/99

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THE 29TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE K.H.N. KURANGA
CIVIL REVISION PETITION NO. 1331/1998

Sri.K.Y.Siddaraju s/o

K.G.Siddananjappa, aged 63 years,

Hardware Merchant, Someswara Extention,

Tumkur.

...PETITIONER

(By Sri.V.S.Jagannath Ravishankar, Adv. for petr.)

- vs -

1. General Manager, Sourthern Railways,
Madras.

2. Inspector of Works Railways,
Tumkur.

...RESPONDENTS

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Civil Revision Petition is filed U/s 115 of
CPC against the order dated 24.1.1998 passed in
O.S.No.72/1991 on the file of the IInd Addl.Munsiff
Tumkur.

..2..

This Civil Revision Petition coming on for
ADMISSION this day, the court made the following:-

O R D E R

The petitioner is the plaintiff in
O.S.No.72/91 pending on the file of the II Addl.
Munsiff at Tumkur. He has in this petition challenged
the order dated 24.1.1998 passed by the II Addl.
Munsiff, Tumkur on I.A.No.IV dismissing the same.

The petitioner filed the said suit
against the respondents for permanent injunction
alleging that the defendants tried to encroach upon
the suit schedule property and sought for issue of
temporary injunction. Thereafter, he filed the
application I.A.No.IV for amendment of the plaint.

The case of the petitioner is that
after the suit was filed, the defendants constructed
official quarters and also put up compound wall.
The case of the defendants is that official quarters
and compound wall were put up long before the filing

of the suit. The court below has held that the petitioner has not produced any material to show that the defendants have put up the construction after filing of the suit and accordingly, dismissed the application I.A.No.IV filed by the petitioner.

The order passed by the court below in the circumstances is just and proper and it is not a fit case for admission and the petition is liable to be dismissed and accordingly, it is dismissed.

Sd/-
JUDGE

T.BY: BY

C.EY: *KE*

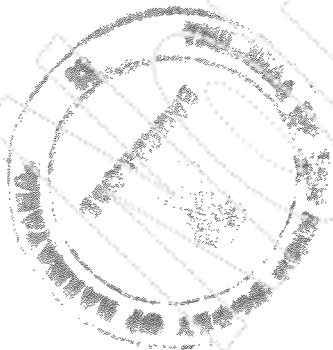
R.EY: *ls*

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

3/7/98



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